

**Notice of Allowability**

Application No.

10/743,911

Applicant(s)

DENPO ET AL.

Examiner

Art Unit

Alessandro V. Amari

2872

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/19/2005.
2. ☒ The allowed claim(s) is/are 1 and 3-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

### REASONS FOR ALLOWANCE

1. Claims 1 and 3-21 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Claims 1 and 15 are allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, "a zoom optical system that is located between said focal plate and said eyepiece, and that makes the observed image appear gradually bigger while maintaining an in-focus condition and that relays the object image formed on said focal plate to said eyepiece; and a zoom optical system driver that shifts said zoom optical system along a polar-axis, corresponding to an optical axis of said polar-axis telescope, so as to change a magnification" as set forth in the claimed combination. Claims 3-14 are also allowable based upon their dependence on claim 1 and claims 16-20 are also allowable based upon their dependence on claim 15.

Claim 21 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, "a zoom optical system driver that shifts said optical system along a polar axis corresponding to an optical axis of said polar axis telescope so as to change a magnification, said zoom optical system driver comprising a cam mechanism that includes a cam tube, a guiding tube arranged coaxially to said cam tube and a cam follower connected to said cam tube and to said guiding tube, said cam mechanism shifting said zoom optical system along the polar axis in accordance with a rotation of said cam tube" as set forth in the claimed combination.

The prior art of record teaches a polar axis telescope incorporated in an equatorial telescope comprising an objective lens, a focal plate located on the focal

plane of said objective lens; an eyepiece that is located on an opposite side of said focal plate with respect to said objective lens that forms an observed image. However, the prior art of record does not teach a zoom optical system that is located between said focal plate and said eyepiece, and that makes the observed image appear gradually bigger while maintaining an in-focus condition and that relays the object image formed on said focal plate to said eyepiece; and a zoom optical system driver comprising a cam mechanism and there is no motivation or teaching to modify this difference as derived.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ava:MM  
19 October 2005

  
MARK A. ROBINSON  
PRIMARY EXAMINER